

REMARKS

Claims 1-20 are now pending.

Claims 1-17 were rejected as anticipated by Moisa et al. U.S. Patent Pub. No. 2004/0030992. The undersigned agrees with the examiner's summary at the bottom of page 2, namely that Moisa et al. does talk about a computer implemented system which concerns, among other things, project management. Several times Moisa et al. mentions that projects are organized into phases. The present invention is surely not the first attempt at project management software and it no doubt shares elements in common with known systems. The invention is particularly directed to providing a system for tracking compliance with standards such as ISO. Moisa et al. says a lot of things but does not in any way suggest the steps of the method of claims 1, 18.

The examiner cites pars. 194-195:

[0194] Now referring to FIG. 6, the quality assurance management 72 process is shown in a block diagram. The quality assurance management 72 process communicates via communication pathway 57 with products and services 58 subprocess. The quality assurance management process 72 communicates via communication pathway 59 with environmental performances 60 subprocess. The quality assurance management process 72 communicates via communication pathway 61 with occupational health and safety process 62. The quality assurance management process 72 communicates via communication pathway 73 with CMM (Capability Maturity Model) 74 subprocess. The quality assurance management 72 process maintain the quality system documents by means of document workflow management process 17 via communication pathways 56,16 through system process integration 1. The quality assurance management process 72 provides means for management of quality services; means to integrate the standards and documents of the global recognized quality standards of ISO 9000 (Products and Services), ISO 14000 (Environment), ISO 18000 (OHSMS Employee) and CMM (Software Development); means to provide document templates to use and customize for implementing a quality system; and means to become ISO or CMM certified, or to maintain an existing certification.

[0195] Standards are constantly changing, but one thing that is constantly needed is a quality assurance management system. VEMS integrates the standards and documents of the global recognized quality standards of ISO 9000 (Products & Services), ISO 14000 (Environment), ISO 18000 (OHSMS Employee) and CMM (Software Development). VEMS 's extensive CMM reports cover: Progress, Effort, Cost, Quality, Stability, Computer Resource Utilization and Training.

These subprocesses represent a means to distribute and maintain the quality system documentation.

What does this actually tell the reader about quality assurance and *how* this system deals with it? Well, it has a box 72, but we don't know how it works or what it does. It ... *somehow* ... accommodates ISO standards. The cited paragraphs are in the nature of glittering generalities. The examiner cannot assume from this that the reference does what the present application is claiming.

The examiner cites paragraph 99 as describing certain steps of the method of the present invention:

[0099] ... The projects management 13 process provides a means for planning activities by editing the start/finish date, resource allocation, displaying the activity status, and notifying the project manager of status changes. ... The project listing (See FIG. 21) displays high level project information (project name, project manager, duration scheduled/estimated, actual start date, actual finish date, finish estimated/scheduled, percent of completion scheduled/actual, BCWP/ACWP status (on/ahead schedule, in progress, behind schedule, in progress, completed behind schedule, waiting, on/ahead schedule, waiting). Color codes can be used for dates, budget and percent of completion to denote on or behind schedule.

Yes the described system tracks a lot of data about a project, but there is no tie-in to what the present invention is about, namely the tracking of compliance with standards by the claimed steps. One such step involves displaying instructions: "displaying a reporting screen containing reporting instructions for the selected development phase, which instructions relate to compliance with the quality assurance steps for that phase according to at least one of the standards". The examiner cites col [0099] for this, "The projects management 13 process provides a means for planning activities by editing the start/finish date, resource allocation, displaying the activity status, and notifying the project manager of status changes." This is a defective description in that it lists a series of functions but does not tell how any of it is accomplished. There is no mention of a reporting screen that is specifically keyed to a standard such as an ISO. Simply providing a black box called "quality assurance management 72" does no more than state a goal, not describe how to accomplish it.

The examiner cites other excerpts from Moisa et al. but it is not clear how these equate to

any limitations of the rejected claims. At pages 3 and 4 it is cited that “It allows a user to initiate and record all DPA requests, to assign responsibilities” but these activities do not meet any step of applicants’ claim 1. Further regarding the examiner’s action at page 3, the claim language refers to a “reporting screen containing reporting instructions for the selected development phase, which instructions relate to compliance with the quality assurance steps for that phase”. This is not a project status display. It is not met by a general teaching of inputting reporting information. Paragraph [0175] discusses project phases at great length but does not suggest the steps of applicant’s claims.

Regarding the rejection of claim 2, the examiner’s citation does not meet the limitations of the claim. Displaying activity status or project status is not the same as a checklist of documents to be completed according to the standard. Par. [0099]: reads

“Project Status 145 section hosts reports related to project status (on schedule, behind of schedule, ahead of schedule, completed) and budget status (on budget, over budget, under budget) for all projects in current community. This report is the default page displayed in the Project Reports 138 section.

This describes a set of items for reporting, but not the ones applicants are concerned with in claim 2.

Regarding claim 3, Moisa et al. does make reference to recording the role of the user, but not in the context of displaying what the user in that role needs to do to comply with the standard.

Regarding claim 4, Moisa mentions that there are a number of different standards may be part of its system [0194]:

... The quality assurance management process 72 provides means for management of quality services; means to integrate the standards and documents of the global recognized quality standards of ISO 9000 (Products and Services), ISO 14000 (Environment), ISO 18000 (OHSMS Employee) and CMM (Software Development); means to provide document templates to use and customize for implementing a quality system; and means to become ISO or CMM certified, or to maintain an existing certification.

Here again it really isn’t clear what Moisa et al. is trying to say. Somehow it provides “means for management” but not clear what it actually does. This does not suggest “composite instructions” as defined in applicants’ claim. The rejections of the other dependent claims are

similar in that Moisa et al. mentions a word concerned in the claim (such as "email") but in a different context. Anticipation and obviousness/nonobviousness must be determined in context, not on a keyword basis. A prior art citation can mention many or all of the same key words as a claim and yet have a completely different meaning. That networks and email existed prior to the present invention is not in doubt, but Moisa et al. does not teach the manner in which they are used in the steps of applicants' method.

A claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference: MPEP 2131 and cases cited therein. Even a single missing step in a method claim means there is no anticipation. In this instance the cited reference talks about many of the same subjects as applicants, but there is no teaching of the recited steps to achieve compliance with the standard. Moisa et al. expresses a desire to monitor compliance with a standard, but that by itself is not sufficient to anticipate or render obvious applicants claimed method for doing so. There is certainly more than one way, using software, to manage a project, and it cannot be assumed that Moisa et al. perform the steps claimed by applicants merely on the strength of a series of very generalized flowcharts, diagrams and discussion, some of which are vague to the point of unintelligibility. The rejection under 35 USC 102 based on Moisa et al. lacks proper basis and should be withdrawn.

Applicants have made an earnest attempt to place the case in condition for allowance. Favorable action and passage of the case to issue are respectfully requested. It is believed that no other fees are due. If this is incorrect, please charge any required fees to Deposit Account No. 50-1588.

Respectfully submitted,



Philip G. Meyers
Reg. No. 30,478

Date: July 7, 2008
PHILIP G. MEYERS LAW OFFICE
1009 Long Prairie Road, Suite 300
Flower Mound, Texas 75022
Phone 972-874-2948
(972) 874-2983 - fax